

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION (COLUMBUS)

|                      |   |  |
|----------------------|---|--|
| JACUITA M. MCCORMICK | : |  |
|                      | : | Civil Action No. 2:12-cv-00645         |
| Plaintiff            | : | Judge Gregory L. Frost                 |
|                      | : | Magistrate Judge Norah McCann King     |
| vs.                  | : |  |
|                      | : |  |
| CBCS                 | : | <b>DEFENDANT CREDIT BUREAU</b>         |
|                      | : | <b>COLLECTION SERVICES, INC. D/B/A</b> |
| Defendant.           | : | <b>CBCS' ANSWER TO PLAINTIFF</b>       |
|                      | : | <b>JACUITA M. MCCORMICK'S</b>          |
|                      | : | <b>COMPLAINT</b>                       |

For its Answer to Plaintiff Jacuita M. McCormick's ("Plaintiff's") Complaint, Defendant Credit Bureau Collection Services, Inc. d/b/a CBCS ("CBCS") (misidentified in the Complaint as simply CBCS) states as follows. Paragraph numbers of the Answer correspond to paragraph numbers of the Complaint. All allegations not specifically admitted are denied.

**FIRST DEFENSE**

1. Insofar as Paragraph 1 calls for a legal conclusion, it requires no answer. To the extent an answer is required, CBCS states that the writing referred to in Paragraph 1 speaks for itself. CBCS further denies the remaining allegations in Paragraph 1.

2. CBCS denies the allegations in Paragraph 2.

3. Insofar as Paragraph 3 calls for a legal conclusion, it requires no answer. To the extent an answer is required, CBCS denies the allegations in Paragraph 3.

Plaintiff's WHEREFORE paragraph does not contain any factual allegations to which CBCS is required to respond; however, CBCS denies that Plaintiff is entitled to any relief whatsoever.

**SECOND DEFENSE**

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

**THIRD DEFENSE**

Plaintiff's claims may be barred by the equitable defenses of laches, unclean hands, and equitable estoppel.

**FOURTH DEFENSE**

Plaintiff's damages, if any, were caused by the acts and/or omissions of third parties for whose conduct CBCS is not responsible.

**FIFTH DEFENSE**

Plaintiff's claims are barred or limited to the extent she has not mitigated her damages (if any).

**SIXTH DEFENSE**

To the extent that any violation of state or federal law took place, said violation was not intentional and resulted from a bona fide error that occurred notwithstanding the maintenance of procedures reasonably adapted to avoid such errors.

**SEVENTH DEFENSE**

Plaintiff may have waived any and all claims she may have had against CBCS.

**EIGHTH DEFENSE**

To the extent there were any violations of state or federal law, such purported violations were not done by CBCS with the requisite intent or knowledge.

**NINTH DEFENSE**

CBCS complied with all applicable requirements of the FD CPA, 15 U.S.C § 1692 *et seq.*

**TENTH DEFENSE**

CBCS is entitled to all defenses, presumptions, and inferences provided by the FDCPA, 15 U.S.C. § 1692 *et seq.*

**ELEVENTH DEFENSE**

CBCS seeks all fees, expenses, costs, and any legal ly recoverable damages from Plaintiff that may be available under the FDCPA, including but not limited to fees under 15 U.S.C. § 1692k(a) as the prevailing party on an unsuccessful pleading, motion, or other paper filed in bad faith or for purposes of harassment.

**TWELFTH DEFENSE**

Plaintiff lacks a private right of action for alleged violation of O.R.C. § 1319.12(G).

**THIRTEENTH DEFENSE**

Plaintiff's claims are barred to the extent CBCS is not a "collection agency" as defined by the FDCPA or O.R.C. § 1319.12(G).

**FOURTEENTH DEFENSE**

CBCS reserves the right to amend or add more defenses as necessary.

WHEREFORE, CBCS respectfully requests that this Court:

1. Dismiss Plaintiff's Complaint with prejudice;
  2. Enter judgment in favor of CBCS and direct Plaintiff to recover nothing from CBCS;
  3. Grant CBCS its attorneys' fees, expenses, and costs pursuant to 15 U.S.C. § 1692k(a);
- and
4. Grant to CBCS such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/Jocelyn C. DeMars

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Attorneys for Defendant Credit Bureau  
Collection Services, Inc. d/b/a CBCS

**CERTIFICATE OF SERVICE**

This is to certify that on the 18th day of July, 20  
CM/ECF, and a copy of this Answer was served upon  
prepaid:

12, the foregoing was electronically filed via  
the following via Regular U.S. Mail, postage

Jack E. McCormick  
500 City Park Avenue  
Columbus, Ohio 43215.

/s/Jocelyn C. DeMars

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